

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBERT L. MURRAY

Plaintiff,

v.

**9:12-CV-1783
(FJS/CFH)**

**SARA NEPHEW, RCII, Mental Health,
Clinton Correctional Facility,**

Defendant.

APPEARANCES

OF COUNSEL

ROBERT L. MURRAY

05-A-5765

Five Points Correctional Facility

Caller Box 119

Romulus, New York 14541

Plaintiff *pro se*

OFFICE OF THE NEW YORK STATE

ATTORNEY GENERAL

The Capitol

Albany, New York 12224

Attorneys for Defendant

CATHY Y. SHEEHAN, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Hummel's December 5, 2013 Report-Recommendation and Order, in which he recommended that this Court grant Defendant's motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6). *See* Dkt. 24. The parties did not file any objections to this recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's December 5, 2013 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's December 5, 2013 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

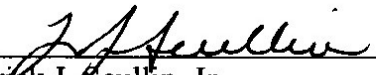
ORDERS that Defendant's motion to dismiss Plaintiff's complaint is **GRANTED** pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: December 27, 2013
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge